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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,740	07/17/2003	Joseph W. Cole	COLEL0007P	1816
32856 7590 09/09/2008 WEIDE & MILLER, LTD. 7251 W. LAKE MEAD BLVD. SUITE 530 LAS VEGAS, NV 89128				
EXAMINER WILLIAMS, ROSS A				
ART UNIT		PAPER NUMBER		
3714				
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09/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/621,740

Applicant(s)

COLE, JOSEPH W.

Examiner

ROSS A. WILLIAMS

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,5,16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CDC)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

Claim 1 has been amended.

Claims 1 - 5 and 16 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3 - 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattice (US 6,454,649) in view of Zehr (US 3,895,849).

Claim 1: Mattice discloses a gaming apparatus that is configured to present at least one game to a user (Mattice 4:58 – 62). Mattice discloses a game machine that comprises a cabinet and a door that is connected to the cabinet by means of a hinge. The door rotates about a vertical axis by means of a vertical hinge (Mattice Fig 2). As

can be seen by the illustration, the door is able to open and close thus defining at least 2 different positions (i.e. first and second positions). When the door is in the closed or in the first position the door and cabinet will form a generally closed interior space (Mattice Fig 2). As can be further seen the doors had an inner and outer surface (Mattice Fig 2). However Mattice does not disclose a game machine cabinet that possesses a damping door shock that includes a body and a piston wherein the piston extends from the body, the body and piston extending in a horizontal plane generally perpendicular to said vertical axis, wherein the door shock is configured to resist movement from said second position (i.e. open position) to first position (i.e. closed position). However Zehr discloses a cabinet that utilizes a hydraulic check that comprises a piston and a body that is connected to the cabinet doors and the cabinet interior. The hydraulic check is configured to control the speed in which the doors close upon the cabinet by resisting the movement of the doors (Zehr 2:4 – 17).

It would be obvious to one of ordinary skill in the art to modify the game machine cabinet of Mattice with Zehr, to incorporate the hydraulic check door damper in the game machine cabinet. This would be obvious because Zehr like that of Mattice both disclose cabinet-like structures wherein doors rotate about a vertical hinge to provide access to an interior compartment. A door damper would provide a gaming machine like that of Mattice with the ability to safely and automatically close the game door in a controlled manner. Thus preventing the doors from being slammed shut and potentially damaging delicate electronic components.

Claim 3: Zehr discloses that the piston is mounted to the door of the game machine and the body is connected to the cabinet (Zehr 2:4 – 12).

Claim 4: Zehr discloses that the piston rotates relative to the door of the cabinet (Zehr 2:8 - 9).

Claims 5: Zehr discloses that the body (i.e. housing) is pivotally rotatable about the mount that connects the housing to the cabinet (Zehr 2:12 - 14).

Claim 16: Zehr discloses the mounting the second end of the piston/housing to a bracket in a generally player mounting portion connecting to said cabinet in a generally horizontal plane (Zehr FIGs 1 – 4).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mattice (US 6,454,649) in view of Zehr (US 3,895,849) as applied above in further view of Yokota (US 6, 952,528).

Claim 2: Mattice does not specifically disclose the mounting of a display to said door. However, Yokota does disclose the mounting of a display on a door that opens on a game machine cabinet to reveal an interior cabinet (Yokota 3:38 – 43).

It would be obvious to one of ordinary skill in the art to modify Mattice in view of Zehr and Yokota to provide a game machine that has a display that is mounted on the door of the game machine. By mounting display to the door of the gaming machine cabinet space inside the cabinet can be used for other components of the gaming machine that are vital to the functioning of the machine.

Response to Arguments

Applicant's arguments filed 5/27/2008 have been fully considered but they are not persuasive.

The Applicant states that the *"Thus, Zehr actually discloses a combination of links, hydraulic checks and springs configured to increase the speed of closing of the door so that the door reaches a maximum speed at closing and slams shut (thus securing the flammables)."* and *"This purpose is entirely different than the problem to be solved by the present invention. As indicated, a problem solved by the invention is damage cause by the door of the cabinet being closed with such speed that it impacts or slams into the housing. (See Application at ¶ [0013]). A person of ordinarily skill in the art who is looking to solve this problem would not look to Zehr, because Zehr discloses a combination of elements that exacerbate the problem to be solved. In particular, if the teaching of Zehr is applied to the cabinet of Mattice, the door of the gaming cabinet is accelerated towards the cabinet so that it slams shut, resulting in the very harm that the present invention is designed to prevent."* (Remarks dated 5/27/2008, page 5). The Examiner respectfully disagrees. While Zehr does indeed teach the use of a closing mechanism that causes the door to increase the speed at which the door is closes, the closing mechanism at still indeed resists the movement of the door and will thereby slow the door from closing by exerting some opposing force upon the door preventing the door from slamming shut (Zehr 2:33 - 38). Although Zehr does teach that the doors will reach maximum speed upon closure of the cabinet door to the cabinet, the Applicant is assuming that the door will "slam into the housing" and thus damage the structure in

some way. Zehr does not teach the "slamming" of the door by means of the closing mechanism. The Applicant is assuming that the fact that the closing mechanism allows the door to close at maximum speed thus causes the doors to slam into the cabinet housing thus creating a damaging shock force upon the cabinet housing. This is simply not taught or suggested by Zehr. Thus the Examiner maintains the rejection of the claims in view of the combination of Mattice in view of Zehr.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROSS A. WILLIAMS whose telephone number is 571-272-5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ronald Laneau can be reached on 571-272-6784. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. A. W./
Examiner, Art Unit 3714
9/2/08

/Ronald Laneau/
Primary Examiner, Art Unit 3714
09/08/08